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EXAMINER

PULLIAS, JESSE SCOTT

ART UNIT	PAPER NUMBER
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2626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,877	Applicant(s) STANGLMAYR, KLAUS HUMBERTO	
	Examiner JESSE S. PULLIAS	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/29/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to correspondence filed 05/28/2008. 1-3, 5-8, 10, and 11 have been amended by applicant. Claims 1-3, 5-8, 10, and 11 are pending and have been considered. Claims 4, 9, and 12 have been cancelled.

Response to Arguments

1. Applicant has submitted a replacement of Fig. 1 in an attempt to overcome the objection to the drawing for not having textual labels. The replacement Fig. 1, however, is not sufficient to overcome the objection because it has labels that are informal and sloppy (e.g. element 3 misspelled, some labels capitalized and some not). The objection to the drawing is maintained.

2. In response to applicants arguments, see page 14, that section headings could be inappropriately used in interpreting the specification, the examiner respectfully disagrees. Adding section headings to the specification would help identify its various parts, and would have no effect on potential interpretation. While the examiner acknowledges the headings are not required by the MPEP and withdraws the objection, adding them would have no effect whatsoever on interpretation of the specification, as the applicant has alleged.

3. Applicant has evidently replaced instances of “in which” and “which” with “wherein” as suggested by the examiner on page 2 of the office action mailed 02/29/08 throughout the claims, except for claim 8. The examiner suggests “in which” in line 2 of claim 8 be replaced with “wherein” in order to match the rest of the claims.

4. Applicant's amendment of claims 2-5 overcomes the objection for failing to limit the parent claim, so the objection is withdrawn.
5. Applicant's amendments of claims 1 and 6 overcome the 35 USC 112 rejection of these claims for lack of antecedent basis, so the rejections are withdrawn.
6. Applicant's amendment of claim 11 overcomes the 35 USC 101 rejection of the claim for being directed to non-statutory subject matter.
7. Applicant's cancelling of claim 12 renders the 35 USC 101 rejection of the claim for being directed to non-statutory subject matter moot.
8. Applicant's arguments on pages 16-17 that claims 1-3, 5-8, 10 and 11 are patentable over Lewis and Maes are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al (6,611,802) in view of Frimpong-Ansah (WO 03/038808).

Consider claim 1, Lewis discloses a correction device (**Title, System for Correcting**) for correcting text passages in a recognized text information recognized by a speech recognition device from a speech information, the recognized text information being associated to the speech information, (**Fig 2, Speech**

Recognizer 110, Col 6 lines 15-23, dictated text is recognized from the audio signals) the correction device comprising:

reception means (**Fig 2, Proofreading and Correction System 1, Col 6 lines 19-23**, the identified words are passed to the speech dictation system, therefore received by it) for receiving the speech information and the associated recognized text information and a link information,

wherein the link information (**Col 6 lines 41-47**, the system automatically marks, or links, sections) at each text passage of the associated recognized text information marks a part of the speech information at which the text passage was recognized by the speech recognition device, (**Col 7 lines 10-13**, the speech information is played back while proofreading, and **Col 7 lines 26-28**, the system marks the current text under consideration) and

a confidence level information, (**Fig 3A, low confidence word control 8**)

wherein the confidence level information at each text passage of the recognized text information represents a correctness of the recognition of said text passage (**Col 8 lines 55-65**, the combine acoustical value returned from the speech recognizer... and language models indicate a correctness) and

synchronous playback means (**Fig 5, Col 5 lines 3-4**, show the playback means, **Col 11 lines 20-31** indicate playback is synchronized with the display of words) for performing a synchronous playback mode,

wherein during an acoustic playback of the speech information the text passage of the recognized text information associated to the speech information just played back

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and marked by the link information is marked synchronously (**Col 11 lines 20-22**, the next available word is highlighted, and **Col 11 lines 36-39**, the words are continually highlighted, constituting a text passage. In **Col 11 lines 25-30**, the audio is played synchronized with the highlighted text) and

indication means (**Fig 3A, Highlighter 18**) for indicating the confidence level information of a text passage of the text information during the synchronous playback.

wherein the playback means change a playback speed during the acoustic playback in dependence of user's control (**Col 9 lines 43-53**). Lewis further discloses word confidence level information (**Fig 3A, low confidence word control 8**).

Lewis does not specifically teach the playback means change a playback speed during the acoustic playback in dependence of the confidence level information.

Frimpong-Ansah discloses a playback speed control is dependent on confidence level information (**p2 lines 24-26, p8 lines 23-28**, playback speed is automatically altered depending on the confidence value).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lewis to change a playback speed dependent on confidence level information as taught by Frimpong-Ansah, in order to save time required for proofreading by, e.g., playing portions with a high confidence value at a higher speed, and playing portions with a lower confidence value at a slower speed, as indicated by Frimpong-Ansah (**p1 lines 15-16, p2 lines 28-30**).

Regarding claims 6, and 11 claim 6 contains the method (**Lewis, title**) performed by the system of claim 1, and claim 11 is directed to a computer readable medium for implementing the method of claim 6. As the method disclosed by Lewis is carried out on a computer, the use of a computer readable medium is inherent. As a result, claims 6, and 11 are rejected for the same reasons as claim 1.

With respect to claims 2, 3, 7 and 8, Lewis discloses the indication means indicate the confidence level information of the text passage just played back (**Col 8 lines 55-65**, low-confidence level words are marked), and the means indicate the confidence level by means of a visual indication (**Col 8 lines 55-65, Fig 6 Visibly Mark Word 203**).

3. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al (6,611,802) in view of Frimpong-Ansah (WO 03/038808), in further view of Chaiken et al. (2002/0152071).

Consider claim 5 and 10, Lewis discloses a correction device as claimed in claim 1, in which the indication means indicate the confidence level information of words.

Lewis and Frimpong-Ansah do not specifically mention a confidence level information of phrases. Chaiken specifically mentions a confidence level information of phrases (**[0017] lines 1-3**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lewis and Frimpong-Ansah by extending the

confidence level of words to phrases as well, in order to identify for proofreading phrases the recognizer may have failed to recognize, as suggested by Chaiken ([0018]).

Conclusion

4. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 05/29/2008 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Pullias whose telephone number is 571/270-5135. The examiner can normally be reached on M-F 9:00 AM - 4:30 PM.

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6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571/270-6135.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jesse S Pullias/
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

8/14/2008